

IN THE UNITED STATES DISTRICT COURT FOR  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION  
CIVIL ACTION NO. 9:23-cv-04668-DCN

VICKIE WILLIAMS and  
JOHNNIE WRIGHT,

Plaintiffs,

**v.**

VIVIAN LESCO.

Defendant

## NOTICE OF REMOVAL

**TO: THE HONORABLE DISTRICT COURT OF THE UNITED STATES FOR  
THE DISTRICT OF SOUTH CAROLINA, BEAUFORT DIVISION**

## NOTICE OF REMOVAL

The Defendant, Vivian Lesco (“Defendant Lesco”), by and through counsel, pursuant to 28 U.S.C. §§ 1332, 1367, 1441, and 1446 submit this notice of removal of the above captioned case, No. 2023-CP-27-00195 (the “State Court Action”), from the Jasper County Court of Common Pleas, in which the above matter is now pending, to the United States District Court for the District of South Carolina. In support of this Notice, Defendant Lesco states as follows:

## Grounds for Removal

1. Plaintiffs filed their Complaint in the Jasper County, South Carolina Court of Common Pleas on or about April 25, 2023. The Plaintiffs named Vivian Lesco as the Defendant. A copy of all process and pleadings filed in State Court are attached hereto as **Exhibit 1** pursuant to 28 U.S.C. § 1446(a).

2. This Notice of Removal is filed with the Court within thirty (30) days of Defendant's acceptance of service of a copy of the Plaintiff's Complaint on August 16, 2023,

pursuant to 28 U.S.C. § 1446(b)(1). Further, the removal is being filed within one year of the commencement of the State Court Action. 28 U.S.C. § 1446(c)(1).

3. Upon information and belief, Plaintiff Vicky Williams is an individual and resident of Jasper County, South Carolina.

4. Upon information and belief, Plaintiff Johnnie Wright is an individual and resident of Jasper County, South Carolina.

5. Defendant Vivian Lesco is a citizen of Canada and resident of the province of Ontario, Canada.

6. State Farm Mutual Automobile Insurance (“State Farm”), the Uninsured/Underinsured Motorist Insurance Carrier for Plaintiffs, has entered a notice of limited appearance and conditional answer to protect its rights to defend and protect its interests pursuant to S.C. Code Ann. § 38-77-160.

7. State Farm is not a party to this action. Defendant Lesco is the real party in interest and the only named Defendant in this action and, therefore, the right of removal rests solely with Defendant Lesco. *E.g. Hickman v. Hinson*, 2013 U.S. Dist. LEXIS 12971, \*5 (D.S.C. 2013).

8. Based upon the foregoing, complete diversity exists between the parties.

9. This Court has subject matter jurisdiction over the action and the case is removable pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of a state and a citizen of a foreign state, and the amount in controversy, inclusive of all claims for negligence/negligence per se/gross negligence, and punitive damages, which damages are alleged to include medical treatment and expenses, lost wages, and permanent injury exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Venue is proper pursuant to 28 U.S.C. § 1441(a) because this is the federal district court for the district embracing the place where the State Court action is pending.

11. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiffs, by and through Plaintiffs' attorney of record, and is being filed with the Clerk of Court of the Jasper County, South Carolina Court of Common Pleas. A copy of the Notice of Filing of Notice of Removal being filed with the Clerk of Court in the Jasper County Court of Common Pleas is attached hereto as **Exhibit 2**, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Vivian Lesco files this Notice of Removal so that the entire State Court action under No. 2023-CP-27-00195, currently pending in the Jasper County, South Carolina Court of Common Pleas be removed to this Court for all further proceedings.

This the 15<sup>th</sup> day of September, 2023.

**GOLDBERG SEGALLA LLP**

/s/ Alexander E. Davis

Alexander E. Davis

S.C. Federal Bar No. 11323

John I. Malone, Jr.

SC Federal Bar No. 12047

701 Green Valley Road, Suite 310

Greensboro, NC 27408

Telephone: 336.419.4900

[aedavis@goldbergsegalla.com](mailto:aedavis@goldbergsegalla.com)

[jmalone@goldbergsegalla.com](mailto:jmalone@goldbergsegalla.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of September, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing (NEF).

I hereby further certify that on the 15<sup>th</sup> day of September, 2023, a true and correct copy of the foregoing was served via electronic mail and/or by US First Class Mail, postage-prepaid addressed as follows:

Lauren Carroway, Esq.  
Morgan & Morgan  
1544 Fording Island Rd., Suite A  
Hilton Head, SC  
*Attorney for Plaintiff*

Michael J. Ferri  
Grimball & Cabaniss, L.L.C.  
P.O. Box 31358  
Charleston, S.C. 29417  
[Mike.ferri@grimcab.com](mailto:Mike.ferri@grimcab.com)  
*Attorney for Non-Party State Farm Mutual  
Automobile Insurance Company*

This the 15<sup>th</sup> day of September, 2023.

GOLDBERG SEGALLA LLP

/s/ Alexander E. Davis  
Alexander E. Davis  
S.C. Federal Bar No. 11323  
701 Green Valley Road, Suite 310  
Greensboro, NC 27408  
Telephone: 336.419.4900  
[aedavis@goldbergsegalla.com](mailto:aedavis@goldbergsegalla.com)  
*Attorney for Defendant*